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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STEVEN SIEGAL, JAMES RYBICKI, DAVID) Case No. 13 Civ. 3570-RS
GROBLEBE, individually and as General Partner)
of GROBCO II, and CHRISTIAN WIPF, ON) **SIXTH STIPULATION AND**
BEHALF OF THEMSELVES AND ALL) **~~PROPOSED~~ ORDER STAYING**
INDIVIDUALS SIMILARLY SITUATED,) **PROCEEDINGS**

Plaintiffs,)

vs.)

G. THOMAS GAMBLE, LOREN J. MILLER,)
HENRY LOWENSTEIN, PAUL W. BATEMAN,)
EDWARD M. GABRIEL, JAMES S. MAYER,)
BEHROOZ SARAFRAZ, LYNN BLYSTONE,)
ALFRED LOPEZ, MASTON CUNNINGHAM,)
JOHN DURBIN, GREG BILLINGER, K&L)
GATES LLP, CHARLES A. DALE III, JOSHUA)
LANE, AND DOES 1 THROUGH 100,)
INCLUSIVE,)

Defendants.)

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1 WHEREAS, on June 27, 2013, plaintiffs filed a Complaint (the “Complaint”) in the
2 Superior Court of the State of California, County of San Francisco against the named defendants;

3 WHEREAS, on August 1, 2013, the action was timely removed from the Superior
4 Court of the State of California, County of San Francisco, to the United States District Court for
5 the Northern District of California;

6 WHEREAS, all parties have agreed that it is in the best interests of all parties to
7 explore the possibility of consensual resolution and to stay this litigation during that process;

8 WHEREAS, a mediation involving the parties and counsel in this action and in the
9 jointly administered proceedings in the United States Bankruptcy Court for the District of
10 Delaware (Case No. 12-12291 (MFW)) was held on November 12, 2013 (the “November
11 Mediation”);

12 WHEREAS, the November Mediation was productive, but the parties agreed that
13 further mediation sessions would be beneficial, and accordingly subsequent mediation sessions
14 were held on January 8, 2014, and on February 7, 2014;

15 WHEREAS, a number of the parties have reached agreements in principle, and are
16 in the process of finalizing all the terms of their agreements;

17 WHEREAS, the settling parties have been working diligently to finalize the
18 settlement, but have not yet reached final terms due to the complexity of the case and number of
19 parties involved in this action and the Delaware proceedings;

20 WHEREAS, in furtherance of efforts to reach a consensual resolution, the parties
21 previously entered into stipulations to stay proceedings in this action temporarily, while preserving
22 any and all claims, defenses, or other rights they may have, and without prejudice to any party;

23 WHEREAS, the Court previously approved the parties’ prior stipulations (See Doc.
24 Nos. 18, 22, 24, 32), and the most current stay lapsed on April 25, 2014;

25 WHEREAS, the parties believe that a further temporary stay of proceedings is
26 likely to conserve judicial economy and the parties’ resources;

27 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and
28 between and among all parties, subject to the approval of the Court, as follows (the “Stipulation”):

- 1 1. The above-captioned action shall be stayed until June 20, 2014;
- 2 2. Plaintiffs' deadline to file a motion to remand is extended until July 21,
- 3 2014;
- 4 3. Defendants' deadline to file a responsive pleading or a motion to dismiss
- 5 the Complaint is extended until August 11, 2014 or, in the event that a motion to
- 6 remand is filed, until 45 days after the entry of the Court's order deciding the
- 7 remand motion;
- 8 4. The Case Management Conference ("CMC") currently set for July 31, 2014
- 9 is continued until September 25, 2014. All other deadlines listed in the Order
- 10 Setting Initial Case Management Conference and ADR Deadlines are continued
- 11 accordingly;
- 12 5. The fact of this Stipulation shall not be used by any party in arguing against
- 13 any motion or pleading that may be filed, including responsive pleadings, motions
- 14 to dismiss the Complaint, or other motions (including, without limitation, motions
- 15 for transfer or motions for remand), and this Stipulation and the fact of delay due to
- 16 this stay may not be used in any way in support of or against any motion that may
- 17 be filed by any party;
- 18 6. This Stipulation shall not act to shorten the time that any party would
- 19 otherwise have to move or respond pursuant to the Federal Rules of Civil
- 20 Procedure or any applicable local rules, and shall be without prejudice to any
- 21 party's right to seek, and the opposing parties' right to oppose, an additional
- 22 extension of time to file or respond; and

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1 7. No defenses of any defendant to this action, including without limitation the
2 defense of lack of personal jurisdiction, are prejudiced or waived by the submission
3 of this Stipulation.
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5 Dated: May 5, 2014

6 SIMPSON THACHER & BARTLETT LLP
7

8 By /s/
9 Simona G. Strauss

10 Attorneys for Defendants Paul W. Bateman, Greg
11 Billinger, Maston Cunningham, John Durbin,
12 Edward M. Gabriel, Henry Lowenstein, James S.
13 Mayer, and Loren J. Miller

13 Dated: May 5, 2014

14 AKERMAN LLP
15

16 By /s/
17 Karen Palladino Ciccone

18 Attorneys for Defendant Lynn Blystone
19

20 Dated: May 5, 2014

21 COOKE KOBRICK & WU LLP
22

23 By /s/
24 Christopher C. Cooke

25 Attorneys for Defendants Behrooz Sarafranz and
26 Alfred Lopez

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1 Dated: May 5, 2014

REED SMITH LLP

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3 By /s/
James Neudecker

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5 Attorneys for Defendant G. Thomas Gamble

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7 Dated: May 5, 2014

K&L GATES LLP

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9 By /s/
Charles Tea

10
11 Attorneys for Defendants K&L Gates LLP, Charles
A. Dale III, and Joshua Lane

12
13 Dated: May 5, 2014

MARKUN ZUSMAN FRENIERE & COMPTON
LLP

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15 By /s/
Edward S. Zusman

16
17 Attorneys for Plaintiffs

ORDER

Pursuant to the parties' stipulation and pursuant to Rule 6-1(a) of the Civil Local Rules, the Court hereby adopts and approves the terms of the parties' stipulation set forth above. This action is stayed until June 20, 2014. The Case Management Conference is continued to September 25, 2014, at 10:00 a.m. A joint Case Management Statement is due on September 18, 2014.

IT IS SO ORDERED.

Dated: 5/7/14



The Honorable Richard Seeborg
United States District Judge